

REMARKS

Applicant wishes to thank the Examiner for the attention paid to this application.

A substitute specification is presented herewith that complies with 37 C.F.R. 1.125 in that it contains no new matter. This substitute specification is identical to the original filing except that the line numbers are deleted and paragraphs are numbered to conform the application to current practice. This response further contains amendments to the specification that are made at paragraphs 0026, 0028, 0043, 0047 and 0049 to address the objections regarding trademark usage. Claims 10 and 12 also are amended to remove reference to trademarks. The non-elected Claims 18-20 have been cancelled. Otherwise, Claims 1-17 are resubmitted unamended for the examiner's further consideration, as Applicant believes these claims are patentably distinct for the cited and applied references

Briefly, the present invention is a flame retardant, corrosion resistant conductive fabric. The conductive fabric, as described in the specification, is a polymeric fabric substrate. Covering one surface of this fabric substrate is a flame retardant coating. Applied over this coating, preferably by vapor deposition, is a conductive metal layer so that the conductive layer is separated from the fabric substrate by the flame retardant coating. According to the specification and test results, improved flame resistance is achieved by interposing the flame retardant layer between the fabric and the conductive metal layer to isolate the polymeric fabric from the conductive metal layer (see paragraphs 0013, 0016, 0024, 0025 and 0050). This arrangement further was found to provide improved corrosion resistance as well. Accordingly, of significance is that the present invention provides for the separation of the fabric per se from the conductive metal layer by interposing the flame retardant layer between the two.

1. Claim 17 is rejected under 35 U.S.C. 112 as lacking antecedent basis for "a dielectric layer." Applicant does not understand this. Claim 17 is a dependent claim that further defines the conductive metal coating of Claim 16. The further definition merely says that the conductive metal coating of Claim 16 is a three-layer structure comprising two conductive layers disposed on either side of a dielectric. This structure finds support in the specification at paragraph--- saying that the conductive metal layer 20 (Figure 3) "includes a dielectric layer 24 disposed between adjacent silver layers 20a and 20b."

2. Claims 1-17 are provisionally rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over the claims of Application No. US 2002/0129494 A1. Applicant does not believe that the claims of these two applications, even if both are allowed, present double patenting issues. In particular the claims of the co pending application are directed to a method of forming a conductive abrasion resistant gasket by embossing a surface of a polymeric film and then vapor depositing a conductive metal coating onto the embossed side. Nothing is mentioned in the claims regarding a flame retardant let alone interposing a flame retardant layer between the fabric and the conductive metal coating. Accordingly, it is not seen how the co pending application can render obvious the present invention.

3. Claims 1-17 stand rejected in view of a perceived obviousness-type double patenting issue involving US 6, 541, 698; 6, 465, 731; and 5, 712, 449. As observed by the Examiner the claims of each of these patents are not identical to any pending claim. Other than the assertion that the respective claims, "appear to be obvious variants of one another" the examiner has pointed to no specific language that supports the allegation that the claims are obvious variants.

Applicant asserts that each of the inventions as defined by the respective claims of the named patents and of the claims of the present invention are independently patentable and represent separate improvements to conductive gaskets. The fact that the '698, '731 and '449 Patents have issued is indication that there is no double patenting issue as between these three patents. As there is no double patenting issue as between these three patents Applicant fails to see how the issue could arise as between each of these patents and the subject application.

There is nothing in the claims of any of these three patents that suggest or would render obvious the invention of the subject application. For example, the claims of the '698 Patent are directed to an abrasion resistant gasket having an embossed surface on which there is a multi-layer metal coating. Nothing in the '698 Patent suggests or renders obvious interposing a flame retardant coating between the gasket substrate and a conductive surface coating as claimed in the subject application.

The claims of the '731 Patent are directed to a particular disposition of an adhesive between the core of a gasket and a conductive layer. Again, these claims do not mention a flame retardant or its location.

The claims of the ' 449 Patent pertain to a gasket having opposite conductive surfaces and to electrically conductive connections coupling the opposite conductive surfaces. Nothing is mentioned regarding a flame retardant layer.

4. Claims 1-17 stand rejected under 35 U.S.C. 102(e) as being anticipated by Bunyan, et al (US 6, 387, 523). For a rejection under 35 U.S.C. 102(e) each element of the rejected claim(s) must be found in a single reference. This is not the case here.

Claim 1, for example, defines a three-layered structure including a fabric substrate, a conductive metal layer on one side of the fabric substrate and a flame retardant layer between the two (that is the flame retardant and the conductive layer are on the same side of the fabric). Bunyan, et al disclose a fabric (12) having a metallized first side (16) and a flame retardant coating (14) on the opposite side. While the flame retardant is said to penetrate the fabric, the Bunyan, et al specification makes it clear that the flame retardant coating (14) on the opposite side does not extend to the conductive surface (see Column 6, lines 37-46; Column 10, lines 10-14; and Column 11, lines 1-6). Accordingly, the invention as set out in Claim 1 is distinguished in that Bunyan, et al do not have the discrete layers as claimed including the fabric substrate, a flame retardant layer on one side of the fabric and a conductive metal layer on the flame retardant layer.

The Examiner observes that the flame retardant 14 applied to one side 18 of the fabric 12 penetrates the fabric (see Figure 2) to a depth that leaves portions of the conductive side 16 exposed. However, Applicant asserts that this is not the same as having a flame retardant layer intermediate a side of the fabric and a conductive metal layer intermediate the conductive metal and the fabric. This is difference in kind rather than a difference in degree.

Bunyan also does not anticipate Claim 16, et al in that the reference does not disclose a flame retardant coating applied to one surface of a fabric and a vapor deposited conductive metal coating applied to the flame retardant coating. Instead the reference discloses a gasket structure comprising a conductive fabric having a flame retardant applied to one surface of the fabric opposite to the conductive surface.

5. Claims 1-17 further stand rejected under 35 U.S.C. 103(a) as being obvious in view of Bunyan, et al. As noted above, the reference has its flame retardant on a side of the fabric opposite to the conductive side so that portions of the flame retardant material penetrate the fabric and extend to the conductive surface. The result is that the reference at Figure 2 shows portions of the conductive surface 16 beneath the flame

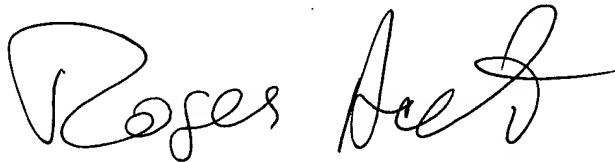
retardant material 14 and portions of the fabric substrate (fibers 24) at the conductive surface 16 exposed so that the flame retardant does not lie between the side of the fabric substrate and the conductive metal coating.

This is diametrically opposite to the arrangement in the present invention wherein the claims make it clear that the flame retardant layer is interposed between a side of the fabric substrate and the conductive metal coating. There is nothing, absent hindsight, that would lead one to apply the flame retardant coating in a manner contrary to the teachings of the reference (that is have the flame retardant between the fabric and the conductive metal as opposed to having the flame retardant on the far side of the fabric from the conductive surface). Moreover, the test results as reported at paragraphs 0045 and 0046 indicate that a one mil flame retardant coating intermediate the fabric and the conductive metal coating was sufficient to provide the desired zero burn rating. In contrast, the structure of the reference only accomplished the zero burn rating with a coating of two mils or twice that of Applicant's invention.

Accordingly, not only does Bunyan, et al teach away from the structure as set out in Claims 1 and 16, the test results as noted in the specification show that Applicant's structure and placement of the flame retard and layer provides an improvement over the structural arrangement disclosed by the reference.

In view of the above amendments and comments, Applicant considers that Claims 1-17 are in condition for allowance, which action is respectfully requested.

Respectfully submitted,



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